

REMARKS

Claims 14-26 are pending and under current examination. In the Office Action, the Examiner rejected claims 14-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,215,928 B1 to Friesem et al. ("Friesem") in view of U.S. Patent App. Pub. No. 2003/0007526 A1 to Pontis et al. ("Pontis"). Applicants respectfully traverse this rejection for the following reasons.

Rejection of Claims 14-26 under 35 U.S.C. § 103(a):

Applicants request reconsideration and withdrawal of the rejection of claims 14-26 under 35 U.S.C. § 103(a) as being unpatentable over Friesem in view of Pontis.

The Examiner has not properly resolved the *Graham* factual inquiries, as required to establish a framework for an objective obviousness analysis. *See* M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007). In particular, the Examiner has not properly determined the scope and content of the prior art. Specifically, Pontis does not teach or suggest what the Examiner attributes to Pontis. In addition, the Examiner has not properly ascertained the differences between the claimed invention and the prior art, at least because he has not interpreted the prior art and considered both the invention and the prior art as a whole. *See* M.P.E.P. § 2141(II)(B).

As the Examiner recognized, Friesem does not teach or suggest at least Applicants' claimed "analysing the modulated component of the light beam reflected or transmitted by the tunable mirror," as recited in independent claim 14. *See* Office Action, p. 3. Moreover, contrary to the Examiner's allegation on p. 3 of the Office Action, Pontis does not cure this deficiency in Friesem. That is, Pontis also does not teach or suggest at least Applicants' claimed "analysing

the modulated component of the light beam reflected or transmitted by the tunable mirror,” as recited in independent claim 14.

Instead, Pontis teaches that the “amplitude of the modulation detected in the voltage across [a] gain medium [] indicates the magnitude of correction or adjustment required for the laser external cavity . . .” Pontis, par. [0050], ll. 1-5, (emphasis added). Pontis further teaches that “[w]avelength locking may be achieved by monitoring transmission characteristics that vary due to the slight modulation of the optical path,” and that “[s]uch transmission characteristics may be monitored, for example, by detecting . . . variations in the intensity of light associated with the laser external cavity.” Pontis, par. [0006], ll. 10-16, (emphasis added). This is clearly does not constitute Applicants’ claimed “analysing the modulated component of the light beam reflected or transmitted by the tuneable mirror,” as recited in independent claim 14. In particular, Pontis’s monitoring variations in the intensity of light associated with the laser external cavity (Pontis, par. [0006], ll. 10-16) does not constitute Applicants’ claimed “analysing the modulated component.”

Thus, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. In view of the reasoning presented above, Applicants therefore submit that independent claim 14 is not obvious over Friesem in view of Pontis, whether taken alone or in combination. Independent claim 14 should therefore be allowable.

Independent claim 24, while different in scope, recites elements similar to independent claim 14, and should also be allowable for the same reasons discussed with respect to claim 14. Dependent claims 15-23, 25, and 26 should also be allowable at least by virtue of their respective

dependence from base claim 14 or 24. Accordingly, Applicants request the withdrawal of the 35 U.S.C. § 103(a) rejection of claims 14-26.

Conclusion:

Applicants request reconsideration of the application and withdrawal of the rejection. Pending claims 14-26 are in condition for allowance, and Applicants request a favorable action.

The Office Action contains a number of statements reflecting characterizations of the related claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any such statements or characterizations in the Office Action.

If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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